

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

JOANN WRIGHT HAYSBERT)

Plaintiff,)

v.)

Case No.: 4:24cv87

BLOOMIN' BRANDS, INC., et al.)

Defendants.)

ANSWER TO THE COMPLAINT BY OUTBACK STEAKHOUSE OF FLORIDA, LLC

COMES NOW, the Defendant, Outback Steakhouse of Florida, LLC, by counsel, and for its Answer to the Complaint, states as follows:

1. In regard to Paragraph 1, Defendant denies that it is negligent in this regard but admits that there was an incident at the subject restaurant.
2. Defendant admits the allegations contained in Paragraph 2.
3. Defendant admits the allegations contained in Paragraph 3.
4. Defendant denies the allegations contained in Paragraph 4.
5. Defendant admits the allegations contained in Paragraph 5.
6. Defendant admits the allegations contained in Paragraph 6.
7. Defendant admits the allegations contained in Paragraph 7.
8. Defendant admits the allegations contained in Paragraph 8.
9. Defendant denies the allegations contained in Paragraph 9 as pled, as not an accurate statement of the facts.
10. Defendant denies the allegations contained in Paragraph 10.
11. Defendant denies the allegations contained in Paragraph 11.

12. Defendant denies the allegations contained in Paragraph 12.

13. Defendant denies the allegations contained in Paragraph 13, as there was no duty or obligation to post a sign or warn Dr. Haysbert because there was no defective condition of the floor.

14. Defendant admits the allegations contained in Paragraph 14.

15. Defendant admits the allegations contained in Paragraph 15.

16. Defendant admits the allegations contained in Paragraph 16.

17. Defendant admits the allegations contained in Paragraph 17.

18. Defendant admits the allegations contained in Paragraph 18.

19. Defendant admits the allegations contained in Paragraph 19.

20. Defendant admits the allegations contained in Paragraph 20.

21. In regard to Paragraph 21, Defendant incorporates by reference its responses to Paragraphs 1 through 20 as if more fully pled herein.

22. Defendant denies the allegations contained in Paragraph 22.

23. Defendant denies the allegations contained in Paragraph 23.

24. Defendant denies the allegations contained in Paragraph 24.

25. Defendant denies the allegations contained in Paragraph 25.

26. Defendant denies the allegations contained in Paragraph 26.

27. In response to Paragraph 27, the subject floor was neither dangerous nor slippery and there was no duty to warn as alleged in Paragraph 27.

28. Defendant denies the allegations contained in Paragraph 28.

29. Defendant denies that there was any unsafe condition of the subject floor and therefore, as pled, Paragraph 29 is denied.

30. Defendant denies the allegations contained in Paragraph 30.

31. Defendant denies the allegations contained in Paragraph 31.

32. Defendant denies the allegations contained in Paragraph 32.

33. For further answer and by way of grounds of defense this Defendant states as follows:

a. Defendant denies that it committed any act or omission constituting negligence in this regard.

b. Defendant denies that it had any notice of any allegedly defective condition herein.

c. Defendant asserts that any condition claimed by the plaintiff was open and obvious.

d. Defendant asserts the defenses of contributory negligence and assumption of the risk.

e. Defendant denies that the plaintiff was injured or damaged to the extent alleged.

f. Defendant denies that it is indebted to the plaintiff under any theory of law.

g. Defendant demands trial by jury on all issues joined.

WHEREFORE, the Defendant, Outback Steakhouse of Florida, LLC, by counsel, and hereby move this Court to dismiss this action and award them costs and expenses expended.

**OUTBACK STEAKHOUSE OF
FLORIDA, LLC**
By Counsel

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/s/ John D. McGavin
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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of July 2024, a true and accurate copy of the foregoing
was sent via the CM/ECF system and served by email and mail, postage paid to:

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Pro Se Plaintiff

/s/ John D. McGavin
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